

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

**GLORIA BRADFORD, Individually §
and as Class Representative on §
Behalf of All Similarly Situated §
Persons; NED BURNETT, JR., §
Individually and as Class Representative §
On Behalf of All Similarly Situated §
Persons; SAMUEL ALEXANDER, §
Individually and as Class Representative §
On Behalf of All Similarly Situated §
Persons; BOOKS ETC., by and through §
GLORIA BRADFORD, Class §
Representatives on Behalf of All Those §
Similarly Situated; and STELLA §
PATRICIA SMITH, Individually and as §
Class Representative on Behalf of All §
Similarly Situated Persons, §
§
Plaintiffs, §
§
vs. §
§
UNION PACIFIC RAILROAD §
COMPANY, §
§
Defendant. §**

CAUSE NO. 4:05-cv-4075 HFB

**UNION PACIFIC RAILROAD COMPANY'S MOTION
TO SHORTEN THE TIME FOR DISCOVERY RESPONSES**

COMES NOW Defendant Union Pacific Railroad Company ("Union Pacific"), by and through counsel, and respectfully moves the Court pursuant to Fed.RCiv.P. 26, 30, 33 and 34 for an Order shortening the time for Plaintiffs to provide written responses and to produce documents in response to Union Pacific's First Set of Interrogatories directed to Plaintiffs and

First Request for the Production of Documents directed to Plaintiffs, copies of which are attached hereto as Exhibits A and B, respectively. In support of its motion, Union Pacific states:

1. Plaintiffs have filed this matter as a Class Action. In their Fourth Amended Complaint, which was filed on May 16, 2006, Plaintiffs identify four proposed classes – all “within the area of the class boundaries” defined as “[t]he area that was affected by the releases on October 15, 2005 ... within the geographical boundaries of Texarkana, Arkansas and Texas” as “will be more specifically defined within subsequent pleadings as more information becomes known.”

2. The Scheduling Order governing this case calls for Plaintiffs’ motion for class certification to be filed by June 27, 2006.

3. Despite pleading the existence of four proposed classes, Plaintiffs failed in their initial disclosures to provide any information or documents on the identities of the proposed class members, which information and documents Union Pacific needs in order to properly evaluate and respond to Plaintiffs’ assertions that this matter is suitable for class treatment under Fed.R.Civ.P. 23. Plaintiffs’ initial disclosures were deficient in other respects as well.

4. Union Pacific contemplated that it would be able to adduce much of the information it needed to respond to Plaintiffs’ class assertions from Plaintiffs’ initial disclosures. As a consequence of Plaintiffs’ deficient initial disclosures, Union Pacific is now required to serve extensive discovery requests to garner information it should have already received. Further, given the time parameters for Plaintiffs’ motion for class certification in the Court’s Scheduling Order,

Union Pacific needs responses to these discovery requests in ten (10) days, as opposed to the 30 days Plaintiffs would ordinarily receive under the Federal Rules.

5. This motion to shorten the time for responses to discovery is necessary given Plaintiffs' bare initial disclosures and the timetable the Court has set for the resolution of class certification issues. Moreover, this request should not prejudice Plaintiffs because most of the information requested should be readily available to them.

WHEREFORE, Union Pacific prays for an Order shortening the time to ten (10) days for Plaintiffs to provide written responses and to produce documents in response to Union Pacific's First Set of Interrogatories directed to Plaintiffs and First Request for the Production of Documents directed to Plaintiffs.

Respectfully submitted,

/s/ Sean F. Rommel
George L. McWilliams
Arkansas Bar No. 68078
Sean F. Rommel
Arkansas Bar No. 94158
Leisa B. Pearlman
Arkansas Bar No. 92070
Jack T. Patterson II
Arkansas Bar No. 95012
PATTON, ROBERTS,
McWILLIAMS & CAPSHAW, L.L.P.
2900 St. Michael Drive, Suite 400
Post Office Box 6128
Texarkana, Texas 75505-6128
Telephone: (903) 334-7000
Facsimile: (903) 334-7007

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record in the above action who have agreed to service by electronic filing, and to the following counsel of record by regular United States mail, on this 31st day of May, 2006.

Barry G. Reed
Zimmerman Reed, PLLP
14646 N. Kierland Blvd., Suite 145
Scottsdale, AZ 85254.

/s/ Sean F. Rommel
Sean F. Rommel